

LAKES MANAGEMENT ADVISORY COMMITTEE
NH Lakes Management and Protection Program



New Hampshire Department of Environmental Services
29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
phone: 603-271-2959 fax: 603-271-7894
e-mail: jcolburn@des.state.nh.us



MEETING MINUTES
September 28, 2007
Foxstand Estate, Springfield, NH and Lake Sunapee
9:00 a.m. - 1:00 p.m.

Members present:

Phil O'Brien, Chair
Larry Sunderland, Vice Chair
Wendell Berry
Jennifer Czysz
Mark Hemmerlein
Ken Jordan
Mitchell E. Kalter
Seth Prescott
Fred Murphy
Michele L. Tremblay

Representing:

NH Lakes Association
Conservation Community
NH Business and Industry Assn
Office of Energy & Planning
Commissioner, DOT
NH Association of Realtors
NH Fish & Game Commission
Commissioner, DRED
Planning Board
State Conservation Committee

Term:

August 1, 2009
September 19, 2010
July 8, 2010
Indefinite
Indefinite
June 27, 2008
August 22, 2009
Indefinite
August 1, 2008
August 1, 2009

Members not present:

Jim Haney, Ph.D.
Mark Gallagher
Marsha LaVallee Huntoon
James S. Morash, Vice Chair
Rich Tichko
Ken P. Wilson
Vacant
Vacant

Scientific Community, UNH
Commissioner, DOS
Conservation Commissions
Tourism Industry
Exec. Dir., Fish & Game Dept.
NH Marine Dealers Association
Elected Municipal Official
Commissioner, Dept. of Agr., Markets & Food

August 22, 2010
Indefinite
August 22, 2007
August 1, 2007
Indefinite
August 22, 2008
Expired
Indefinite

Staff Present

Jacquie Colburn
Laura Weit
Paul Currier
Sonja Carlson
Carolyn Guerdet

Lakes Coordinator, Watershed Management Bureau (WMB)
Asst. Planner, WMB
Administrator, WMB
Intern, WMB
Admin. Asst., Water Division

Guests

Deb Benjamin
Tom Richards

President, LSPA
Board Member, LSPA

The Meeting Was Called to Order

- Phil O'Brien, Chair, called the meeting to order at 9:15.

I. Introductions/Minutes/Committee Business

1) **Meeting Minutes**

Corrections were noted for the minutes of July 27, 2007. Vote was delayed until there was a quorum.

2) **Committee Business:**

Committee Membership –

Confirmation has been received that Bud Berry, Jim Haney and Larry Sunderland have been reappointed to the LMAC.

NH Association of Conservation Commissions has nominated Diane Hanley, Chair of the Laconia Conservation Commission to replace Marsha LaVallee-Huntoon.

NH Travel Council and NH Municipal Association Community still need to make nominations.

Chairman O'Brien encouraged the Committee to put forth names that would be good representatives for these organizations.

LMAC Meeting Time and Monthly Schedule – Starting in October, the meetings will start at 9:00 AM and will end at 12:30 PM. It was decided to continue to meet monthly beginning October 26th at DES.

Future Agenda Items/Committee Member Updates – Jacquie noted that since the LMAC has looked at activities that state agencies are doing on Sunapee and Ossipee, she asked the Committee for suggestions for anything of significance that should be brought to the attention of the LMAC that other groups or organizations are doing. Michelle suggested that projects that DES has funded where lake management or restoration programs have been implemented should be showcased along with agencies that have grant programs.

Chairman O'Brien suggested that a summarization of key important items go to Commissioner Burack. Michelle suggested that the summarization only be sent if it contained specified Requested Actions.

Mitch Kalter arrives.

II. Updates

1) Sustainability Initiative – Laura Weit

Laura reported that the subcommittee met on September 25th and they reviewed the draft from the last meeting, which was based on Ken Kimball's outline from the July meeting. The subcommittee decided to use Paul Currier's suggestion to use indicators to establish quantifiable goals and objectives and identify appropriate recommendations from each applicable report. The subcommittee decided that the document was a communication device to entice change and the document needed to be much more direct, calling attention to the issue by citing specific examples and supporting data. An open discussion focused on revising the document to make sure it's ready for the 2009 legislative session. A score card will be developed to identify what works best for five exemplary programs – OEP's Managing Growth in New Hampshire, DES's Watershed Management Approach, the New Hampshire Estuaries Project, New Hampshire's Changing Landscape and Anti-degradation of New Hampshire Water. All recommendations will be pulled out and critically evaluated. Indicators will be developed and the subcommittee plans to use the NH Estuaries Project as a model, since it has worked well. Issues were broken into two categories – water and implementation. A revised draft is expected prior to the next LMAC meeting. The subcommittee will then meet to discuss the revisions to keep the momentum going.

Michele also suggested looking at the Gulf of Maine Council on the Marine Environment initiative as a good model for indicators and implementation.

Jacquie thanked Laura for all the time put into this project.

Bud Berry posed a question for discussion – is the sustainability initiative limited to that which is germane to DES responsibility or do other agencies have responsibilities also? Laura responded that the sustainability initiative is not limited to DES. She envisions that all of the state agencies around the table would be involved as well as local, regional, and private interests.

Fred Murphy arrives. A quorum was present from this point forward.

- **Michelle T. made a motion to accept the July 27, 2007 minutes as corrected. Bud B. seconded the motion and the vote was unanimous.**

Fred M. noted that the Ossipee Lake Natural Area has been closed to the public.

2) HB 710/SLR (Leasing State-owned Land) – Mitch Kalter

Mitch reported there have been two meetings for the HB 710 Commission. Chairman is David Campbell, Vice Chair is Maynard Goldman, and Mitch is the Clerk. Interim report is due November 1st with a list of the issues that the commission needs to examine over the following year. The issues listed so far are:

- 1) Leasing any shoreline land – is it appropriate or should it be abolished?
- 2) Public transparency
- 3) Public hearings
- 4) Municipal involvement
- 5) Standardization of policy amongst agencies
- 6) Single family leases vs. developers
- 7) Recognition of complexity and inconsistencies in the leasing process (taking the highway funded properties off the list and CORD's authority)
- 8) Lease term in regards to habitat preservation & protection
- 9) Recognition where to go from this point – what are rights of current lease holders from here on and the statutory conflicts that exist
- 10) Prices being charged for leases being consistent with property values

The only LMAC issue not brought forward thus far is the role of the Long-Range Capital Planning and Utilization Committee.

The next HB 710 Commission meeting will be on October 23, 2007 with a site visit to some of the leased properties along the Winnepesaukee shoreline. The Commission will continue to discuss the issues and policies regarding leasing according to the statutes.

Chairman O'Brien asked if this is an opportunity for leadership on shaping what will come after the interim report is filed. Mitch noted one of the main factors is the completion of the state lands data. One of the first issues that came up was 'is this right to do in the first place, should we ever surplus shoreland land?' Michelle and Chairman O'Brien agreed that it was important to build consensus.

Jacquie is the DES representative to the 710 Commission and she said that DES is preparing a very detailed response to the letter that Alice Chamberlain sent to the four state agencies back in October 2006. The letter will be shared with CORD and the 710 Commission. She is also holding a meeting of several DES staff members to discuss the DES specific issues relative to this process so she is prepared to give a response on behalf of the agency.

3) Proposed Legislation for 2008

LSRs that DES is monitoring:

#2006 - Mandating the Commissioner of DES to conduct an examination of Willand Pond in Dover and Somersworth. Sponsor – R. Hoffman. Paul Currier explained it has a public park and boat access but no swimming. The watershed has developed fairly rapidly. It is a kettle-hole pond with no outlet, the water level has been creeping up and all the trees along the shoreline are dead. This summer a cyanobacteria bloom spread throughout the pond. City planners are working on a collaborative solution. Work needs to be done on the watershed so that the runoff from the developed area is controlled and mitigated. Future development also needs to be taken into consideration.

#2034 - Local control of water resources. Sponsor – Neil Kurk

#2115 - Requiring OEP to maintain a data map of the state's lands under conservation or development restriction. Sponsor – Franklin Bishop

#2224 - Relative to the formation of storm water utility districts. A pilot to enable communities to establish storm water utilities. Sponsor – Thomas Fargo

Paul reported that legislation is being developed to establish a storm water committee or commission to examine the issue of storm water impacts from landscape change and the regulatory framework and make recommendations for the 2009 legislative session. Parallel with that are internal recommendations for tweaking the water quality law (RSA 485-A) which would make the process more understandable and work better in regards to water quality reviews and anti-degradation as permit processes for landscape change proceed. Expectation is that these elements will be rolled into the commission study as well.

Governor Lynch has decreed that agencies are not to propose or support any bills in this session that involve funding.

4) CSPA - Jacquie

Jacquie reported DES is moving ahead as the amendments to the Comprehensive Shoreland Protection Act take affect April 1, 2008. An administrative rules committee has been established and has begun work. The goal is to have the rules drafted by the end of October, hold the hearing at the beginning of November, receive comments from JLCAR, and adopt the rules preferably before the amendments take affect.

There is also an Outreach and Education Committee which has been focusing on how to convey these changes, and to put together a package – one document that everyone can understand – professional to layperson. Jacquie suggested that DES, NH Lakes Association, UNH, Realtor boards and possibly NH Rivers Council should sponsor a one day seminar regarding the Shoreland Protection Act. Michele suggested that a ready-made package be available on the website so that local groups can download it and present to other groups; she also suggested that a store front presentation be prepared. Mark H. said that municipalities and public agencies need education on the Act as well.

Larry noted many city and town ordinances are based on the old Shoreland Protection Act. He asked if a model ordinance would be developed to clarify jurisdictional issues. Jacquie noted that the sequence of filing for application at the local and state level needs to be resolved. She also encouraged the LMAC members to send her emails with questions and concerns so that the Outreach and Education Committee can help clarify them.

III. Overview of Lake Sunapee – Characteristics and Management Issues

Jacquie gave a PowerPoint presentation entitled “Overview of Lake Sunapee and its Watershed: Characteristics and Management Issues.” The Lake Sunapee Watershed includes 30,024 acres, has 10 great ponds, 5,400 acres of surface water, 35 miles of rivers and streams, a year round population of 5,353 residents, and includes six towns: Goshen, New London, Newbury, Springfield, Sunapee and Sutton. Lake Sunapee is classified as oligotrophic, has 4,090 acres, is the sixth largest lake in the state, has a maximum depth of 104 feet, a mean depth of 37 feet, 29.8 miles of shoreline and is a naturally occurring lake that has a dam which regulates the water level for recreation.

Sixteen percent of the Lake Sunapee Watershed lake frontage is conserved. Ten percent of the Lake Sunapee Watershed shoreline area is conserved. A couple of examples include: Mt. Sunapee State Park Beach and John Hay Natl. Wildlife Refuge.

There are several DES lake related programs that apply to Lake Sunapee. These include: the Lakes Management and Protection Program, Wetlands and Shoreland Protection, Beach Inspection Program for Sunapee State Park, Dewey, George's Mills, Blodgett's Landing and Depot Beaches; the Clean Vessel Act, which covers the public dump station at Sunapee Harbor; Drinking Water Source Protection, Lake Assessment Program, Volunteer Lake Assessment Program, Dam Maintenance and Safety, Exotic Species, and the Watershed Approach Pilot Program.

There are certain restrictions in place on Sunapee Harbor, since it serves as a public drinking water source for 2,082 people. These restrictions include: no animal or human waste water within 75 feet of the high water mark, no dumping of sawdust, no grey water discharge from boats and no seaplane operation.

Volunteer lake monitoring began on Lake Sunapee in 1986, and they joined the DES Volunteer Lake Assessment Program in 1993. Deep, near shore and tributary stations are sampled. Chlorophyll-a and phosphorus are less than the state mean and transparency is deeper than the state mean. Transparency and conductivity are generally greater than the state mean, most likely due to development.

The Lake Sunapee Dam was constructed in 1932 and is owned by DES. It is 21 feet wide and its concrete piers separate three steel gates. There is also a Town dam located 750 feet downstream on the Sugar River. If both dams failed (Hazard Class S) 1.5 feet of water would inundate Route 11 in 18 minutes. Fall drawdown will be held on October 8, 2007. Three feet will be drawdown from the full level.

Weed Watchers found invasive variable milfoil in George's Mills in 2001. It has been pulled by hand and a benthic barrier was installed. It is under control, but constantly monitored.

The Sunapee Area Watershed Coalition (SAWC) was awarded an EPA grant administered by DES to create a Watershed Management Plan as part of the 2005 Watershed Approach Pilot Program. They have already accomplished an updated land use study, public education and outreach, zoning assessment, and have conducted a public survey. The following tasks are currently ongoing: monitoring water quality and phosphorus trends, developing guides and brochures, drafting recommended actions and a management plan, preparing GIS maps and maintaining the SAWC website.

The Lake Sunapee Protective Association (LSPA) is a non-profit environmental educational organization founded in 1898 that works year-round to maintain the quality of Lake Sunapee and its watershed. They have over 1,000 family and business supporters, which support many lake protection and educational programs. LSPA's year-round educational outreach includes classroom and summer children's programs, "Make a Splash" Day for clean water education and environmental education teacher workshops. LSPA has three programs that prevent and control exotic species. The Lake Host program, in operation since 1999, inspects boats at ramps and educates the public. Weed Watchers monitor the lake for invasive species. A Boat Wash was installed at Sunapee Harbor to power-wash boats before and after launching.

In cooperation with Dartmouth College, LSPA built a Global Lake Ecological Observatory Network (GLEON) buoy and on August 27, 2007 installed it on the lake. Data will be collected year-round every ten minutes. Dissolved oxygen and light and temperature are measured every two to three meters for a total of 17 measurements throughout the water column. There is also cutting edge research being conducted on Lake Sunapee. Cayalen Carey, a Dartmouth graduate and former LSPA intern, along with Dartmouth faculty and researchers are monitoring multiple sites on the lake for weekly concentrations for Cleotrichia for which no known management options currently exist.

Students at Colby-Sawyer College conducted a Comprehensive Lake Inventory in the spring of 2004. Student interns work in the lab and for LSPA. Students also conduct field work.

Mt. Sunapee State Beach is open from May to September and falls under the jurisdiction of DRED. The Mount Sunapee Ski Area is owned by the state, but is operated by the Okemo Mountain Resort. Several species of fish are present in Lake Sunapee: rainbow trout, lake trout, landlocked salmon, rock bass, smallmouth bass, pickerel and horned pout. Sunapee trout is no longer present in New Hampshire. The largest fish on record was caught in October of 1954 and was 33 inches long and weighed 11 pounds and 8 ounces.

F&G has proposed a public boat access site at the Wild Goose property located in Newbury. The property was purchased with LCIP funds in 1990 for \$603,614. It is a 133 acre tract with 3 acres of shorefront. There is a great deal on conflict over the site, since F&G is required by regulation to own and operate boat launches on all public lakes, but local groups want to minimize invasive species and nutrient loading.

The Department of Safety (DOS) has two full-time and two part-time staff who patrol the lake during the summer season. DOS also assisted the LSPA with determining the location for GLEON. There are several restrictions that DOS enforces on Lake Sunapee: speed limits, no wake zones, no rafting in some areas and no ski craft within ¼ mile of the water intake valve.

The Sierra Club has selected the Mount Sunapee Highlands as the top conservation priority in New Hampshire. According to the Sierra Club, there are 30,000 acres of Mount Sunapee and its surrounding lands that are threatened by ski area expansion, off-road vehicles, and growth and development.

- Meeting was adjourned to the boats and Lake Sunapee at 11:45 a.m.

IV. Lake Tour, Mt, Sunapee State Beach and Wild Goose

During the lake tour, the LMAC observed the GLEON buoy, development in Jobs Creek, and the shoreline landscaping at Seminole Point. Once the lake tour concluded, the LMAC visited Mt. Sunapee State Beach to observe and discuss the existing boat ramp and the pros and cons if it would be modified for future use. The LMAC also visited the waterfront portion of the Wild Goose property. Discussion involved the work of the NH Fish and Game Department to develop and provide a public access boat facility on the property.

- The meeting concluded at approximately 2:00 pm.